

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	S1 17-cr-722 (VSB)
-against-	:	
	:	<u>ORDER</u>
SAYFULLO HABIBULLAEVIC SAIPOV,	:	
	:	
Defendant.	:	
-----X	:	

VERNON S. BRODERICK, United States District Judge:

Currently before me are a number of issues relating to jury selection and the jury selection process. I am in receipt of the parties' joint letter dated May 18, 2022, (Doc. 451), which renews the parties' joint request dated February 28, 2020 regarding the mechanics of jury selection, (Doc. 298), and renews the Defense's request dated March 6, 2020 for reconsideration of my orders concerning juror research and attorney-conducted *voir dire*, (Doc. 310). I am also in receipt of the parties' jointly-proposed revised questionnaire. (Doc. 444.) I will address each issue in turn.

a. Mechanics of Jury Selection

The parties' joint request dated February 28, 2020 regarding the mechanics of jury selection, (Doc. 298), is GRANTED, with the following modifications to the schedule. The Court shall begin by summoning 15 jurors per day to the courthouse during the first two days of jury selection; the number can be adjusted after we collectively assess the pace of the process. The parties shall provide proposed general instructions for each day's panel and general *voir dire* questions by August 26, 2022. The parties shall then provide individual *voir dire* questions on a

rolling basis, starting by providing individual *voir dire* questions for the first two panels of jurors by October 7, 2022, and thereafter, by one day before each juror's appearance.

b. Sharing Juror Research

The Defense requests that I reconsider my order that the parties exchange the “facts/information/data” they gather regarding potential jurors. (Doc. 310; *see also* Doc. 451.) The Government does not object to this request. (Doc. 317; *see also* Doc. 451.) The request that I reconsider my order on sharing juror research is therefore GRANTED, and that order is VACATED. The parties need not share facts/information/data gathered regarding potential jurors, except that the Government is directed to share with the Defense any National Crime Information Center or other criminal record check obtained by the prosecution concerning a potential juror. Any information related to the criminal record of a potential juror shall be used only for the purpose of *voir dire* in this case and shall be subject to the protective order entered in this case. (Doc. 13.) Any copies of record checks or other information provided to the Defense shall be destroyed at the end of jury selection unless otherwise ordered by the Court.

c. Attorney-Conducted *Voir Dire*

The Defense requests that I reconsider my order denying the Defense's request for attorney-conducted *voir dire*. (Doc. 310; *see also* Doc. 451.) The Government objects to this request. (Doc. 317; *see also* Doc. 451.) Having re-reviewed the Defense submissions, including but not limited to the Defense submission dated November 18, 2019, (Doc. 226), I see no dispositive reasons to reconsider my prior decision denying the request for attorney-conducted *voir dire*. Accordingly, the Defense's motion for reconsideration of the request for attorney-conducted *voir dire* is DENIED.

d. Questionnaire

The parties' motion for approval of their jointly-proposed revised questionnaire, (Doc. 444), is GRANTED, with one modification. On question 17, the end of the first paragraph should be amended to add:

In observance of the holidays, the jury will not sit from November 23, 2022 to November 25, 2022, or from December 26, 2022 to January 2, 2023.


With that revision, the jointly-proposed revised questionnaire is approved, and printing may begin in preparation for jury selection beginning on August 11, 2022. I intend to add similar language to my preliminary remarks prior to the prospective jurors filling out the questionnaire.

e. Pre-Jury Selection Conference

The parties are ORDERED to appear for a conference on August 10, 2022 at 4:00 p.m. concerning jury selection and other pretrial matters. When the information is available, I will provide courtroom location information by separate order.

SO ORDERED.

Dated: July 29, 2022
New York, New York


Vernon S. Broderick
United States District Judge